IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 722 of 2004

Between:

K.Narasimha Reddy, S/o.Siva Rama Reddy,
5-56-4, Sri Krishna Nagar, Mutyala Reddy Palli,
Tirupathi-2.

..... PETITIONER

AND

1. The Deputy Reg/Divi.Coop.officer, Madanapalle,Chittoor.
2. Udayamanikyam Primary Agrl.Coop.Society ltd., CR No.325

Yerravaripalem PO & Mandal, Chittoor Dist.
3. Sri SMD Khasim, Manger of the Chittoor Dist.Coop.Central Bank Ltd.,
Chinnagottigallu Branch & part time PIC Chairman of the

Udayamanikyam Primary Agrl.Coop.Society Ltd.,Cr.No.325,

Yerravaripalem PO & Mandal,Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly in the nature of writ of mandamus declaring that the proceedings dt.30-12-2003 of the 2nd herein i.e. Udayamanikyam Primary Agricultural Cooperative society Ltd., CR No.325, Yerravaripalem, Chittoor District represented by its Chairman PIC Committee through which the petitioner was placed under suspension as patent illegal, without jurisdiction, arbitrary, without application of mind, malafide, unjust besides being violative of the cardinal

principles of natural justice and hence liable to be set-aside.

Counsel for the Petitioner: MR.D.V.BHADRAM

Counsel for the Respondent No.1: GP FOR COOPERATION

Counsel for the Respondent Nos.2 and 3 : Mr.P.M.Gopal Rao.

The Court made the following:

O R D E R :

The petitioner questions the order-dated 30.12.2003 passed by the second respondent in placing him under suspension, pending enquiry.

2. The petitioner is the Secretary of the 2nd respondent's Society. Under the special bylaws relating to service conditions of the employees of Primary Agricultural Cooperative Societies said to have been approved by the Registrar of Cooperative Societies in the year 2001 that an employee of the Society may be placed under suspension pending enquiry by the competent authority. In the instant case, the person-in-charge who is exercising the powers of managing committee placed the petitioner under suspension. The suspended employee is entitled for subsistence allowances during the suspension period at the rate of 50% of the last drawn pay and allowances, if he is not engaged in any other employment. If an employee is placed under suspension for an indefinite period, it cannot be said that the suspension not made a measure of punishment. If the suspension period exceeds

more than six months, there is a remedy available for the petitioner to approach the Authorities under Section 47(6) of the A.P. Shops and Establishments Act to seek appropriate relief and if the suspension period exceeds one year, he is also entitled for full wages under the said Act.

3. I have taken a view in W.P.No.3171 of 2003 and batch, dated 30.8.2004 that no Writ lies against the Society by its employees as the society is not a State within the meaning of the Article 12 of the Constitution of India.

4. Accordingly, the Writ Petition is dismissed keeping it open to the petitioner to approach the appropriate authorities for his redressal. There shall be no order as to costs.

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V. ESWARAIAH, J

Dated:04-11-2004.

ccm

To

1. The Deputy Registrar/Divisional Coop.Officer, Madanapalle,Chittoor.
2. The Person-in-charge/Chairman, Udayamanikyam Primary

Agrl.Coop.Society ltd., CR No.325 Yerravaripalem PO & Mandal,

Chittoor Dist.
3. The Manger of the Chittoor Dist.Coop.Central Bank Ltd.,
   Chinnagottigallu Branch & part time PIC Chairman of the

Udayamanikyam Primary Agrl.Coop.Society Ltd.,Cr.No.325,

Yerravaripalem PO & Mandal,Chittoor Dist.

4. 2 CCs to G.P. for Cooperation, High Court Buildings, Hyderabad (OUT)

5. 2 CD copies.